

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

STATE OF MISSISSIPPI EX REL.;
STEELY DANIELLE WHITAKER,
Individually and as Wrongful Death
Beneficiary of William Danny Whitaker,
Deceased; DANIEL RYAN BONDS,
Individually and as Wrongful Death
Beneficiary of William Danny Whitaker,
Deceased; and ESTATE OF WILLIAM
DANNY WHITAKER

PLAINTIFFS

v.

CIVIL ACTION NO. 1:15-cv-00077-GHD-DAS

GEORGE CHARLES RINEHART,
Individually and in His Official Capacity;
ALCORN COUNTY; and RLI INSURANCE
COMPANY

DEFENDANTS

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT RLI INSURANCE
COMPANY'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM OR,
ALTERNATIVELY, TO STAY

Pursuant to an opinion issued this day, the Court hereby ORDERS as follows:

- (1) Defendant RLI Insurance Company's motion to dismiss or, alternatively, to stay [12] is GRANTED insofar as the request to stay the action, and is DENIED in all other respects;
- (2) This action is hereby STAYED as to Defendant RLI Insurance Company until such time as liability is determined as to Defendant George Charles Rinehart; and
- (3) Defendant RLI Insurance Company remains potentially liable as the surety on the public official bond. *See Henley v. Edlemon*, 297 F.3d 427, 430 (5th Cir. 2002).

SO ORDERED, this, the 23 day of February, 2016.



SENIOR U.S. DISTRICT JUDGE